



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,801	08/01/2003	Keimpe Jan Van Den Berg	116774	2002
25944	7590	02/07/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			MCLENDON, SANZA L	
			ART UNIT	PAPER NUMBER
			1711	
DATE MAILED: 02/07/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/631,801

Applicant(s)

VAN DEN BERG ET AL.

Examiner

Sanza L. McClendon

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/15/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12, 16-19 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 13-15 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1711

DETAILED ACTION

Response to Amendment

1. In response to the Amendment received on November 15, 2005, the examiner has carefully considered the amendments.

Response to Arguments

2. Applicant's arguments filed November 15, 2005 have been fully considered but they are not persuasive. Applicant appears to be arguing that Delaney et al does not anticipate the instantly claimed invention because Delaney et al does not explicitly disclose specific types of thiol-containing compounds that would have suitable for the application methods as described therein. The examiner directs applicant to column 2, lines 3-11, wherein Delaney et al teaches that said binders comprising an active hydrogen-containing material can be resinous polyols, polyamines, epoxy resins, polyurethanes and the like, wherein said active hydrogen moieties can be hydroxyl, amine or mercaptan. Thus, it is deemed that Delaney et al discloses the use of mercaptan containing polyols, polyamines, epoxy resins and polyurethane. All of which anticipate applicant's resin and effective number of thiol groups. Keeping in mind that coating composition a) comprising at least one resin and an effective number of thiol groups reads on resins having thiol groups and compositions comprising a resin and a separate compound comprising an effective amount of thiol groups. Thus it is deemed that Delaney et al anticipates composition a).

Applicant, additionally, appears to be arguing that Delaney et al does not anticipate the claimed invention since the instant invention composition a) is coated by those methods listed in claim 1 and Delaney et al teaches coating said top coat by electrophoretic methods. The examiner deems that this is not convincing since applicant is claiming a coating system and not a method of coating said system. The coating methods of claim 1 are conventional and known method that can be chosen as a matter of design choice. However, in the alternative, Delaney et al teaches coating the topcoat by electro-coating as a matter of choice, i.e., aesthetics of the visual appearance. Per the background section of Delaney et al, Delaney et

Art Unit: 1711

al discloses that it is known that multi-layer coating can be applied by wet-on-wet process. And Per column 3, Delaney et al teaches non-electrophoretic coating methods for the second coating, i.e., spraying. The examiner deems that one of ordinary skill informed by the teachings of Delaney et al could have chosen a non-electrophoretic wet-on-wet coating application, such as spraying both coating compositions, especially when visual appearance is not a concern.

Regarding the arguments for claim 23, applicant is arguing that Delaney et al does not suggest an aqueous coating composition including thiol-containing polyurethane. And that Delaney et al preferences for the active hydrogen-containing materials are amine and hydroxy functional materials. It is noted that these are Delaney et al preferred materials, however the disclosure of mercaptan-containing binder is taught and thusly anticipate applicant's thiol-containing resin. Per column 2, lines 3-11 and column 3, lines 10-13, Delaney et al teaches said binders can be polyurethane comprising active hydrogen moieties, such as mercaptans (thiols), amines and hydroxyls. Therefore mercaptan-functional polyurethanes are encompassed by the reference. The examiner deems, per Delaney et al, these are equivalent. Therefore, in the alternative, one of ordinary skill in the art informed of the teachings of Delaney et al would have found it obvious to use thiol-containing polyurethanes in combination with polyacrylates dispersions, such as found in the examples. The motivation would have been a reasonable expectation of successful applying an even basecoat, as suggested by Delaney et al, in the absence of evidence to the contrary.

Allowable Subject Matter

3. Claims 13-15 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102/35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 1711

5. Claims 1-9 and 11-12, 16-19 and 21-23 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Delaney et al (4,619,746).

Conclusion

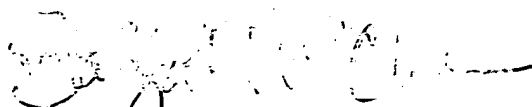
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L. McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sanza L. McClendon

Application/Control Number: 10/631,801

Page 5

Art Unit: 1711

Examiner

Art Unit 1711

SMc

A handwritten signature in black ink, appearing to read 'J. Seidleck', with a stylized, cursive script.

James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700